



2343 Rose Street, Honolulu, HI 96819
PH: (808) 848-2074; Fax: (808) 848-1921
e-mail hfbf@hfbf.org

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The Hawaii Farm Bureau Federation (HFBF) has reviewed the proposed amendments to the Water Quality Standards and offers the following comments.

Agriculture faces many challenges to its continuing viability in Hawaii. While no one wants to put farmers out of business, the threat of this becomes very real when, in addition to some of the highest land and labor costs in the nation, farmers must face state environmental regulations that they cannot understand, are impossible to comply with, or are cost-prohibitive.

HFBF is very concerned that the proposed amendments appear to be examples of just the sort of regulations described above. We are extremely disappointed that after months of waiting for answers to questions raised at the last meeting of the advisory group, the materials distributed approximately three weeks ago do not address those issues and do not clarify the need for many of the amendments, as requested by advisory group members. Additionally, the rationale document is misleading in that it does not even mention certain language changes in the regulations that broaden the scope of the rules, thereby making them more stringent. It does not explain the basis for these changes nor does it mention any impact on the regulated community.

The introduction to the executive summary states that the 2005 round of proposed amendments to the state's water quality standards rule consists primarily of applications of scientific findings since 1979, when the rule was drafted in its present format. From the materials distributed by the Department, HFBF cannot ascertain what scientific data was used and how that data, "places the rule on a sounder scientific basis than previously existed in the late 1970's."

Regarding the reorganization based on salinity gradients, it is not at all clear how a determination of water body classification is to be made and how water quality criteria is to be applied to the section of waters for compliance purposes.

We find it most disconcerting to find changes in the proposed rules which greatly expand the regulatory reach of the rules but which are not even mentioned in the rationale document or the summary. For example; the amendment to section 11-54-3(b)(1), deletes the word *waste* thereby broadening the application of the prohibition to discharges of all pollutants. This is also the case with the proposed section 11-54-3(b)(2) which adds the words, *or pollutant*, where the current language only applies to discharges,

a much more limited set of materials. No explanation or justification is given for these changes that could have a significant impact on stakeholders.

Other proposed amendments are equally baffling, such as; the scoring system in section 11-54-4(a), the temperature criteria for various water bodies which has been restricted to 30 degrees Celsius or below regardless of ambient conditions, and the amendments to the definitions section to include new words or delete others.

HFBF is in support of the proposed aquatic pesticide discharge amendments drafted by the subcommittee chaired by John Ford. This amendment does not "de-legalize" currently legal and reasonable practices acceptable throughout the country for public health vector control, irrigation maintenance, and habitat restoration.

Many of the other suggested amendments to the water quality standards are confusing and, in many cases incomprehensible as to rationale, as currently drafted. We are hoping that the advisory group meeting scheduled to take place on April 8, will include meaningful dialogue and exchange between the drafters of the regulations and those who will need to understand and comply with them. The Hawaii Farm Bureau Federation also hopes that our comments will be used to improve the process and the final form of the regulations. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Takemoto', with a stylized, cursive script.

Alan Takemoto
Executive Director